



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts
Department of Public Safety
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Daniel Bennett
Secretary

Matt Carlin
Commissioner

Minutes

Board of Elevator Examiners
365 East St. – Anne Sullivan Building
Tewksbury, MA 01876
June 22, 2016

Board Members Present:

Patrick Coyle, Chairman
Leonard Chase, Member
George Ramian, Member
George Dahlquist, Member
Edward Sandell, Member

Guest(s) Present:

Deirdre Hosler, Deputy General Counsel
Ruthy Barros, Recording Secretary

1. The Board of Elevator Examiners reviewed the December 9, 2015 minutes. A motion was put forth by George Ramian to accept the minutes as entered. The motion was seconded by Edward Sandell. **Vote 5-0; All in Favor.**
2. The Board of Elevator Examiners reviewed the February 3, 2016 minutes. A motion was put forth by George Ramian to accept the minutes as entered. The motion was seconded by Lenard Chase. **Vote 5-0; All in Favor.**
3. The Board of Elevator Examiners reviewed the April 6, 2016 minutes. A motion was put forth by Edward Sandell to accept the minutes as entered. The motion was seconded by George Ramian. **Vote 5-0; All in Favor.**

4. The Board of Elevator Examiners reviewed the May 4, 2016 minutes. A motion was put forth by Edward Sandell to accept the minutes as entered. The motion was seconded by George Ramian. **Vote 5-0; All in Favor.**
5. The Board of Elevator Examiners reviewed the June 8, 2016 minutes. A motion was put forth by Edward Sandell to accept the minutes as read. The motion was seconded by George Ramian. **Vote 5-0; All in Favor**

Meeting recessed at 12:14 p.m.

6. **Disciplinary hearing on Charles Young complaint**

Board Members Present:

Patrick Coyle, Chairman
Leonard Chase, Member
George Ramian, Member
George Dahlquist, Member
Edward Sandell, Member

Guest(s) Present:

Deirdre Hosler, Deputy General Counsel
Ruthy Barros, Recording Secretary
Michael Nemrow (Catamount Builders)
Jonathan Tobin (Byrne & Anderson, L.L.P.)
Charles Young (Keystone Elevator)
Elton Watkins (Watkins Elton Law Offices)
Alexander Santiago (Keystone Elevator)
John Snyder (DPS)
Stephen Sampson (DPS)

Witnesses were sworn in by Chairman Patrick Coyle. The Board first heard from Inspector Edward Sandell.

Edward Sandell

Inspector Edward Sandell testified that for the week of January 4, 2016, he was the on-call supervisor for the Department of Public Safety. On that day, Inspector Sandell received a phone call from state control stating that an accident had occurred at 474 Beacon Street. It was reported that an individual had fallen hoistway. En route to the location, Inspector Sandell contacted the Department of Public Safety and looked into the database and found out information on the elevator. There was a decommission permit pulled by Keystone Elevator. Inspector Sandell telephoned Brian Haggerty, Manager Keystone Elevator, and Mr. Haggerty stated he was unaware of the accident, but the decommission work was done by Charles Young and his helper on December 17, 2015. Inspector Sandell then spoke to Elevator Mechanic Charles Young. Mr. Young stated to Inspector Sandell that he did do the decommission work, he lowered the car into the end of the pit, he removed power from the elevator and bolted all the doors shut. When

Inspector Sandell arrived to 474 Beacon Street, he noticed that the car top of the elevator was sticking up through the first floor and the hoistway was completely gone. Inspector Sandell stated that the first floor was the second landing and the basement was the bottom landing. Inspector Sandell stated that he spoke to Mr. Nemrow, who was the project manager for 474 Beacon Street. Mr. Nemrow explained to Inspector Sandell that the elevator had been stuck on the first floor landing during and after the decommission process, due to debris being jammed under the hoistway. Mr. Nemrow then stated that O'Brian was given the verbal confirmation from Mr. Young that the car was safe to enter and that the decommission process was done correctly. Mr. O'Brian, the injured party, stepped into the elevator cab and because the elevator cab was not landed properly, the elevator cab dropped 10 feet and Mr. O'Brian was left hanging upside down for 20-30 minutes, thus causing physical injury to Mr. O'Brian. Inspector Sandell stated that it is the responsibility of the licensed elevator mechanic to personally understand where the bottom landing is. Mr. Young took the word of the general contractor that the elevator cab was at the lowest landing and he did not verify. Inspector Sandell stated and explained in detail what Mr. Young should have done to properly decommission the elevator.

Michael Nemrow

Mr. Nemrow stated that he was not on site during the time of the accident. Mr. Nemrow stated that the elevator was wedged in with debris and it had remained on the first floor second landing before and after decommission. Mr. Nemrow explained that he received verbal confirmation from Dave Tibato, a contact person from Keystone Elevator, that the elevator had been properly decommissioned by Mr. Young. Mr. Nemrow along with his demo crew was aware that the elevator serviced the basement.

Charles Young

Mr. Young stated he has held an elevator mechanic license for 30 years. Upon arrival to 474 Beacon Street, Mr. Young stated that he asked the demolition contractor numerous times if the elevator was at the bottom floor and was told yes. Mr. Young stated that from his past experience, squirrel caged elevators have walk-in pits. Mr. Young could not get down into the pit due to the amount of debris. Mr. Young stated that he jumped on top of the elevator cab to make sure it wouldn't move. Mr. Young stated he believed to have properly decommissioned the elevator and was confident the elevator was at the lowest landing.

A motion to take this matter under advisement was made by George Ramian. The motion was seconded by George Dahlquist. **Vote 4-0.**

Hearing Exhibits:

Exhibit 1: Inspector's Elevator Incident Report

Hearing adjourned at 1:12 p.m.

Prepared by: Ruthy Barros